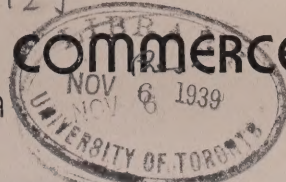


THE HAMILTON CHAMBER OF COMMERCE

HAMILTON :: CANADA



The Honourable Mr. Justice E.R.E.
Chevriier and members of Royal
Commission on Transportation
Ontario.

Hamilton, Ontario, November 10th, 1937.

Your Honour and Gentlemen:

The Hamilton Chamber of Commerce desires the privilege of submitting to your Honourable Commission certain principles and recommendations thought advisable for your consideration, and which we hope will be included in your recommendations in your investigation on Motor Highway Transportation in Ontario.

The Hamilton Chamber of Commerce in collaboration with The Canadian Industrial Traffic League, The Canadian Manufacturers Association and The Toronto Board of Trade, have for a number of years endeavored to bring about what we believe to be the necessary legislation and regulations applicable to the operation of public commercial vehicles handling freight traffic on the highways in the Province of Ontario.

The members of the joint committee represent a large proportion of the users of Highway Transportation in the Province of Ontario, and as a consequence, at various times have made representations to the Department of Highways advocating certain principles which we thought should be adopted to bring about sound economic conditions in the public interest.

We submit that the users of transportation services are interested in the development and maintenance of various classes of transportation in such a manner as will assure adequate, reliable and prompt service at reasonable rates without unjust discrimination or undue advantages and unfair practices.

The principles we desire to submit are as follows:

1. That every operator of a motor vehicle for the transportation of passenger traffic or of freight traffic (goods, wares or merchandise), for hire, pay or gain, operating on the highways, should be required to secure a certificate of necessity and convenience before he may operate on the highways.
2. That the schedules of all rates and charges, together with the rules and regulations and classifications in connection therewith, should be published, posted and filed with an appropriate public authority of the Province.
3. That the rates charged shall be those called for in the schedule on file, and should not be varied therefrom, except by the proper publication of any change so that all may be fully advised, and that within such schedules carriers should accept and carry all freight offered to them (permitted by the Department of Highways) without undue discrimination.
4. Each operator should be required to effect and file with the appropriate public authority of the Province, an insurance policy or policies at least against the major risks which would be encountered in the business of such operator.
5. Each operator should be required to keep accounts on some prescribed system, returns being rendered to the appropriate public authority in the Province, on a uniform basis.
6. Each operator should be required to issue a bill of lading for each shipment, and the conditions and form of such bill of lading should be uniform throughout the Province.

While "The Public Commercial Vehicles Act of 1936" is on the statutes, the regulations respecting the licensing of public commercial vehicles approved by order-in-council dated the 22nd day of February, A.D. 1936 at present embodies only some of the six principles above referred to, we believe that principles 2 and 3 are of such importance as to warrant the establishment of regulations pursuant to sub-section (e) of Section 8 of the above named Act.

Having in mind the order of reference under which your Honourable Commission was appointed, we submit these principles for your most serious consideration:

add to Report Jackson

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Referring to these principles, we would like to elaborate as follows:

Principles

2. It may be said that a Tribunal should be established with proper authority to require the filing and posting of tariffs, Classifications, etc. in a uniform manner, with sufficient advance notice to the users and operators before they become effective, and that unreasonable rates or rules and unjust discriminations or advantages should be considered unlawful. Where highway traffic is to pass over any continuous route in the Province of Ontario by two or more operators, the Tribunal should demand that the initial operator file a joint tariff and the other operator or operators should promptly notify the Tribunal of its or their assent to and concurrence in such joint tariff. The Tribunal should also be available to act as a Court for both users or operators to hear complaints submitted against unreasonable charges, discriminations or undue practices and should have the authority to award reparations when guilty parties have been found to assess unjust charges or unreasonable rates or have been a party to discriminations or undue practices contrary to tariffs on file. We further represent that the Tribunal should have the power to impose proper penalties for any infraction of these regulations.
- 3.

May we also suggest that the Tribunal be so constituted as to embody officials and staff conversant with tariff publication and rate making on Highway Transportation in Ontario and that it would seem advisable that this Tribunal embody all branches of matters pertaining to tariff publication, rate making, licensing, etc.

4. Each operator should not only be insured against the major risks, but also for third party risks; in this we mean that shippers or consignees should not be involved in the operator's liability.

It is noticed No. 4 of the order of reference refers in part "transporting of goods by motor vehicles whether for gain or not, in order as far as possible to ensure that just and reasonable service shall be furnished by such persons or corporations and to prevent such persons or corporations from unfairly competing with one another, or with other forms of passenger and freight transportation." This would indicate that you will investigate the operation of private commercial vehicles of persons or corporations used for the purpose of handling their own merchandise on the highway. These persons or corporations have found it necessary to handle their traffic in this manner due to competitive conditions, necessary service and other reasons and it would seem that these persons or corporations engaged in operating motor vehicles in the course of their own business should not be unduly taxed, licensed or regulated in order to market their goods and maintain the necessary service required.

In presenting these principles and recommendations for your consideration, we believe, that if adopted, it will be the means of promoting sound economic conditions in the Highway Transportation of Ontario in the public interest.

Respectfully submitted,

THE HAMILTON CHAMBER OF COMMERCE

Per

J. H. Saunders
Manager, Transportation Department

